

REMARKS

Status of Claims

Claims 1 and 5-10 are pending, with claim 1 being independent.

Claim 1 has been amended to incorporate the subject matter of original claim 4. Claim 5 has been amended to depend upon claim 1. Claim 4 has been cancelled without prejudice. Care has been taken to avoid introducing new matter.

Since no new matter or new consideration requiring new search, entry of this amendment is respectfully solicited.

Claim Rejection – 35 U.S.C. § 102

Claims 1 and 6-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Svendsen et al. (USP 6,402,484). This rejection is traversed for at least the following reasons.

Since claim 1 has been amended to incorporate the subject matter of original claim 4, which is not disclosed by Svendsen, claim 1 or any claim dependent thereon is not anticipated by Svendsen. Thus, it is respectfully requested that the Examiner withdraw the rejection of claims 1 and 6-7 under 35 U.S.C. § 102(b).

Claim Rejection – 35 U.S.C. § 103

Claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Svendsen in view of Kubota (USP Publication WO 02/44565). Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Svendsen in view of Outzen (USP 4,759,693). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Svendsen in view of Alfano et al. (USP 5,487,648). These rejections are traversed for at least the following reasons.

Applicants respectfully submit that, at a minimum, none of the cited references discloses or suggests that “*an oil hole is disposed at the bottom of the suction muffler and above the seal portion,*” as recited by amended claim 1. In rejecting original claim 4, the Examiner asserts that Kubota discloses oil hole 60 at FIG. 5B. However, the alleged oil hole 60 is disposed on a connection pipe 58, but not at the bottom of the alleged suction muffler 53. As such, it is clear that Kubota fails to disclose the claimed oil hole. Further, the remaining cited references do not cure the deficiency of Kubota, and it would not have been obvious to add this feature to any combination of the cited references.

Accordingly, Applicants respectfully submit that claim 1 and all claims dependent thereon are patentable over the cited references. Thus, it is respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. § 103(a).

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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